

AMENDED IN SENATE APRIL 15, 2013

SENATE BILL

No. 128

Introduced by Senator Emmerson

January 22, 2013

An act to amend Section 921 of the Business and Professions Code, relating to ~~healing arts community facilities districts~~, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 128, as amended, Emmerson. ~~Health care professionals. Community facilities districts: transfer of governance authority.~~

Existing law, the Mello-Roos Community Facilities Act of 1982, authorizes a local agency, as defined, to initiate proceedings to establish a community facilities district for purposes of financing certain public capital facilities and services, especially in developing areas and areas undergoing rehabilitation. Existing law authorizes the authority for the governance of one or more community facilities districts to be transferred from the jurisdiction of a county to the jurisdiction of a city upon written agreement entered into between the governing boards of the county and the city and satisfaction of certain conditions.

This bill would authorize the Hemet Unified School District Community Facilities District No. 2005-1 to be transferred from the jurisdiction of the Hemet Unified School District to the Temecula Valley Unified School District upon written agreement entered into between the governing boards of those school districts, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for Hemet Unified School District Community Facilities District No. 2005-1.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law, the Health Care Professional Disaster Response Act, states findings of the Legislature regarding the shortage of qualified health care practitioners during times of national or state disasters, and allows a physician and surgeon, whose license has been expired for less than 5 years and who meets specified criteria, to obtain a license without paying fees.~~

~~This bill would make a technical, nonsubstantive change to those provisions:~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) The French Valley community, located in unincorporated*
4 *Riverside County, is located in close proximity to the schools of*
5 *the Temecula Valley Unified School District. However, due to*
6 *current school district boundary lines, French Valley students are*
7 *required to travel long distances by bus to attend schools of the*
8 *Hemet Unified School District.*

9 *(b) In 2009, with the support of both the Hemet Valley Unified*
10 *School District and the Temecula Valley Unified School District,*
11 *proceedings were initiated with the Riverside County Committee*
12 *on School District Organization to transfer French Valley from*
13 *the Hemet Valley Unified School District to the Temecula Valley*
14 *Unified School District, under the French Valley Reorganization*
15 *Plan. Approval of the French Valley Reorganization Plan would*
16 *authorize French Valley students to permanently attend local*
17 *schools of the Temecula Valley Unified School District.*

18 *(c) A portion of the French Valley area to be transferred also*
19 *includes an existing community facilities district, known as the*
20 *Hemet Unified School District CFD No. 2005-1, to provide*
21 *necessary educational and facility financing. To effectuate the*
22 *French Valley Reorganization Plan, Hemet Unified School District*
23 *CFD No. 2005-1 must also be transferred from the Hemet Valley*
24 *Unified School District to the Temecula Valley Unified School*
25 *District.*

1 (d) Legislative approval is required because the Riverside
2 County Committee of School District Organization lacks the
3 authority to approve the transfer of the governance of the Hemet
4 Unified School District CFD No. 2005-1 from the Hemet Valley
5 Unified School District to the Temecula Valley Unified School
6 District.

7 (e) French Valley students are currently attending schools of
8 the Temecula Valley Unified School District pursuant to temporary
9 interdistrict transfers, pending final approval of the French Valley
10 Reorganization Plan. Approval of the French Valley
11 Reorganization Plan and transfer of Hemet Unified School District
12 CFD No. 2005-1 from the Hemet Valley Unified School District
13 to the Temecula Valley Unified School District will provide comfort
14 to these children and their families in that they may continue to
15 attend their neighborhood school on a permanent basis.

16 (f) It is necessary and desirable that a process be established
17 under which the governance of Hemet Valley Unified School
18 District CFD No. 2005-1 may be transferred from the governing
19 board of the Hemet Unified School District to the governing board
20 of the Temecula Valley Unified School District.

21 SEC. 2. Notwithstanding any other law, the jurisdiction of the
22 Hemet Unified School District CFD No. 2005-1, may be transferred
23 from the Hemet Unified School District to the Temecula Valley
24 Unified School District upon written agreement entered into
25 between the governing boards of those school districts. Except as
26 otherwise may be provided in the written agreement, upon the
27 effective date of the transfer of jurisdiction pursuant to the written
28 agreement all of the following shall apply:

29 (a) The legislative body empowered pursuant to Chapter 2.5
30 (commencing with Section 53311) of Part 1 of Division 2 of Title
31 5 of the Government Code to exercise authority over Hemet Unified
32 School District CFD No. 2005-1 shall be the governing board of
33 the Temecula Valley Unified School District.

34 (b) The Hemet Unified School District shall not bear any liability
35 for any action taken with regard to Hemet Unified School District
36 CFD No. 2005-1 on or after the effective date of the transfer of
37 jurisdiction.

38 (c) The Temecula Valley Unified School District shall not bear
39 any liability for any action taken with regard to Hemet Unified

1 School District CFD No. 2005-1 before the effective date of the
2 transfer of jurisdiction.

3 SEC. 3. The Legislature finds and declares that a special law
4 is necessary and that a general law cannot be made applicable
5 within the meaning of Section 16 of Article IV of the California
6 Constitution because of the unique circumstances related to the
7 transfer of territory from the Hemet Unified School District to the
8 Temecula Valley Unified School District.

9 SEC. 4. This act is an urgency statute necessary for the
10 immediate preservation of the public peace, health, or safety within
11 the meaning of Article IV of the Constitution and shall go into
12 immediate effect. The facts constituting the necessity are:

13 Completion of the transfer of territory from the Hemet Unified
14 School District to the Temecula Valley Unified School District
15 before the start of the 2013–14 school year will avoid disruptions
16 associated with mid-year transfers.

17 SECTION 1. ~~Section 921 of the Business and Professions Code~~
18 ~~is amended to read:~~

19 921. ~~(a) The Legislature finds and declares the following:~~

20 ~~(1) In times of national or state disasters, a shortage of qualified~~
21 ~~health care practitioners may exist in areas throughout the state~~
22 ~~where they are desperately required to respond to public health~~
23 ~~emergencies.~~

24 ~~(2) Health care practitioners with lapsed or inactive licenses~~
25 ~~could potentially serve in those areas where a shortage of qualified~~
26 ~~health care practitioners exists, if licensing requirements were~~
27 ~~streamlined and fees curtailed.~~

28 ~~(b) Therefore, it is the intent of the Legislature to address these~~
29 ~~matters through the provisions of the Health Care Professional~~
30 ~~Disaster Response Act.~~